

BEFORE: Joseph F. Bianco U.S.C.J (Sitting by Designation)
DATE: 04/05/2021 TIME: 9:00 A.M. TIME IN COURT: 60 Minutes
DOCKET #: CR 13-00607
CAPTION: USA v. Kenner et. al.

CRIMINAL CAUSE FOR SENTENCING (RESTITUTION PART) (BY VIDEO)

APPEARANCES:

Defense Counsel: Matthew Whitney Brissenden (Stand-by Counsel)

X Present Not Present

X CJA Retained Federal Defenders

Defendant: Phillip A. Kenner

X Present Not Present

On Bond X In Custody

Government: Matthew Haggans

For Owen Nolan: Seetha Ramachandran

Interpreter (Spanish):

FTR: 9:04-10:06

COURTROOM DEPUTY: DJF

X Case called.

X Counsel for parties present.

Fatico Hearing held

X Sentencing adjourned to May 5, 2021 at 12:00 p.m. by video.

Statements of defendant and counsel heard.

IMPRISONMENT:

The defendant is sentenced on

To be followed by supervised release:

Special conditions of supervised release are as follows:

The defendant is remanded to the custody of the US Marshal.

The defendant shall surrender

The court makes the following recommendation to the Bureau of Prisons:

PROBATION:

The defendant is sentenced to:

Special conditions of probation:

___ During the term of probation, the court will not consider any travel request except for work or family emergencies.

FINE, RESTITUTION & SPECIAL ASSESSMENT:

___ The defendant is ordered to pay a fine in the sum of: \$ _____

___ The fine is payable: _____

___ The fine is waived based on the defendant's inability to pay.

___ Restitution is ordered: _____

___ Special assessment is imposed in the sum of: \$ _____

___ All open Counts are dismissed on the motion of the Government.

___ The defendant is advised of his right to appeal.

X OTHER: Defendant and Counsel for the Government consent to proceeding by video for today's sentencing in accordance with the CARES Act. Stand-by Counsel for Defendant and Counsel for the Government shall mail a copy of the letter providing revised USSG calculations [DE 812] dated February 26, 2020 to the Defendant. The Court directs the Government to respond to the restitution issues with respect to Investors Bryan Berard, Ethel Kaiser, John Kaiser, Nicholas Privitello and Turner Stevenson on or before April 16, 2021. The Defendant shall file his reply on or before April 30, 2021. A final conference on the restitution portion of the Defendant's sentencing will be held on May 5, 2021 at 12:00 p.m. by video. The Clerk of the Court is directed to mail a copy of this Order to the Defendant.